

U.S.S.N. 09/829,251

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patentably distinct since there is nothing on this record to show them to be obvious variants.

Applicants hereby elect Group II, with traverse. The USPTO already made the determination in the immediate parent to this application, U.S. Pat. No. 6,242,177, that there are no patentably distinct inventions at issue in this case. In fact, U.S. Pat. No. 6,242,177 appears to have the very same issued claims as are filed in this application. There would be no additional burden to search these groups together since they were already searched together by the previous Examiner in U.S. Pat. No. 6,242,177.

The Examiner also states that Claims 1-3 are generic to a plurality of disclosed patentably distinct species comprising the sequences of claim 4. Applicants are required to elect a single disclosed species, even though this requirement is traversed. Applicants hereby elect from among these species the sequence of SEQ ID NO:15. Following election, the claims readable on this sequence will be examined fully with respect to the elected species and further to the extent necessary to determine patentability. Should no prior art be found that anticipates or renders obvious the elected species, the search of the claims will be extended to the extent necessary to determine patentability of all such claims.

If the Examiner has any questions, he should feel free to call the undersigned attorney at the number indicated below.

Respectfully submitted,
GENENTECH, INC.

Date:

12/16/02

By:

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PATENT TRADEMARK OFFICE